

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD BAKER, *et al.*,

Plaintiffs,

v.

Civil Case No. 22-11388  
Honorable Linda V. Parker

MARLA JONES, *et al.*,

Defendants.

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S JANUARY 17,  
2023, REPORT AND RECOMMENDATION**

The action arises from alleged civil rights violations pursuant to 42 U.S.C. § 1983. Pro se plaintiffs Richard Baker and Kim Albright (“Plaintiffs”) initiated this lawsuit against State of Michigan Department of Health and Human Services (“MDHHS”) employee Marna Miller (“Miller”), CSI Support & Development Services (“CSI”) employees Marla Jones and Cindy Lamb (“CSI Defendants”), and three other individuals, “Alex,” care nurse Roderick Hall, and Michael Polsinelli, on June 18, 2022. (ECF No. 1.) Plaintiffs were granted permission to proceed *in forma pauperis*. (ECF No. 4.)

The matter has been referred to Chief Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report

and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 6.) On August 22, 2022, CSI Defendants and Miller filed separate motions to dismiss. (ECF Nos. 24, 25.) Plaintiffs subsequently filed an Amended Complaint on August 24, 2022. (ECF No. 28.) On September 7, 2022, CSI Defendants and Miller filed additional motions to dismiss the Amended Complaint. (ECF Nos. 30, 32). On October 26, 2022, Plaintiff filed a “Motion to Agree to Dismiss Amended Complaint and Move Forward with Original Complaint.” (ECF No. 42.)

On January 17, 2023, Chief Magistrate Judge Grand issued a report and recommendation (R&R) recommending that the Court do the following: (1) grant Plaintiffs’ Motion to Voluntarily Dismiss the Amended Complaint, ECF No. 42; (2) deny CSI Defendants’ and Miller’s Motions to Dismiss the Amended Complaint as moot, ECF Nos. 30, 32; (3) grant CSI Defendants’ and Miller’s Motions to Dismiss the Original Complaint, ECF Nos. 24, 25; and (4) summarily dismiss Plaintiff’s remaining claims against remaining Defendants. (ECF No. 56.)

At the conclusion of the R&R, Chief Magistrate Judge Grand informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg ID 354-55.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.* at Pg ID 355 (citations omitted).) Neither party filed objections.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Chief Magistrate Judge Grand. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion to Voluntarily Dismiss the Amended Complaint (ECF No. 42) is **GRANTED**, the Amended Complaint is **DISMISSED WITHOUT PREJUDICE**, and CSI Defendants' and Miller's Motions to Dismiss the Amended Complaint (ECF Nos. 30, 32) are **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that CSI Defendants' and Miller's Motions to Dismiss the Original Complaint (ECF Nos. 24, 25) are **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' remaining claims against Defendants "Alex," Hall, and Polsinelli, are **SUMMARILY DISMISSED**.

**SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: February 10, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 10, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
Case Manager